IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 10139 of 2000

Between:

1 P. Satteyya S/o. Appa Rao
Central Office, D.C.C.Bank, E.G.District, Kakinada.
2 T.Ch. Ramachandra Prabhu S/o. Suryanarayana Murthy
D.C.C.Bank, Rajanagaram, E.G.District.
3 T. Rama Rao S/o. Pitcheswar Rao
D.C.C.Bank, Rajahmundry, E.G.District.
4 R. Srirama Krishna Varaprasada Choudhary

S/o. Venkata Raju, D.C.C.Bank, Temple Street Branch,
Kakinada, E.G.District.
5 P.S. Prakasam S/o. Satyanarayana
Central Office, D.C.C.Bank, Kakinada, E.G.District.

..... PETITIONERS

AND

1 The Government of A.P. rep. by its Special Secretary,
Coop. Department, Secretariat, Hyderabad.
2 The Commissioner and Registrar of Cooperative Societies,

A.P., Nampally, Hyderabad.
3 The District Coop. Centranl Bank, rep. by its General Manager,
E.G.District, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not extending the benefits of relaxation given to others vide Government Memo No.11864/Coop.VI(1)/98-2, Dated 31-12-98 to all the in services candidates like the

petitioners herein in respect of the post of Manager in the 3rd respondent bank as highly illegal, arbitrary and violative of Art. 14 & 16 of the Constitution of India and consequently direct the respondents to consider the relaxation given in favour of other candidates vide Government Memo No. 11864/Coop.VI(1)/98-2, dated 31-12-98.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent No.: MR.C.V.MOHAN REDDY

The Court made the following :

ORDER:

This writ petition is filed by the petitioners seeking a writ of Mandamus declaring the action of the respondents in not extending the benefit of relaxation of service conditions for the purpose of promotion to the post of Manager as was extended in favour of their juniors through Government Memo No.11864/Coop. VI (1)/98-2, dated 31-12-1998.

The case of the petitioners is that they are working under Category - V staff with the 3rd respondent-bank and they have put-in considerable length of service for being promoted to the post of Manager. However, their cases were not considered in view of the fact that they have not fulfilled certain conditions. Now, it is the case of the petitioners that when the juniors to the petitioners approached the Government, the Government vide its memo dated 31-12-1998 granted relaxation in service conditions in favour of their juniors and in fact they have been promoted to the post of Manager thereafter. Though the petitioners have made a representation ventilating their grievance on 08-06-2000, neither the respondents have acted upon the same nor recommended their cases for relaxation of the service conditions for being promoted to the post of Manager on par with one
M. Dharma Rao and Kambala Satyanarayana.

Though the respondents have filed a counter affidavit, they have not denied the claim of the petitioners. It is their contention that it is for the Government either to grant or reject relaxation in a given case. It is always open for the petitioners to approach the Government and seek relaxation.

Be that as it may, without expressing any opinion on merits, the 3rd respondent is directed to forward the representation purported to have been made by the

petitioners on 08-06-2000 or any fresh representation filed by them to the Government recommending relaxation of the service conditions enabling the Government to consider the promotion of the petitioners for the post of Manager on par with their juniors who are already promoted within a period of one month from the date of receipt of a copy of this order. On the recommendation being made by the 3rd respondent, the 1st respondent is directed to consider the same within three months thereafter and pass appropriate orders as per law.

With the above directions, the writ petition is disposed of. No order as to costs.

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22-07-2005

RNS

To

1 The Special Secretary,

Government of A.P. ,
Coop. Department,

Secretariat, Hyderabad.

2 The Commissioner and Registrar of

Cooperative Societies, A.P., Nampally, Hyderabad.

3 The General Manager,

District Coop. Centranl Bank,

E. G. District, Kakinada.

4 Two CD copies

5 Two CCs to G.V.Shivaji, Advocate.